

EXHIBIT 3

BLACKJEWEL v.
UNITED BANK

DREW KESLER
09/15/2021

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

* * * * *

In re:

Chapter 11

Blackjewel, L.L.C., et al,

Case No. 19-30289

Debtors,

(Jointly Administered)

BLACKJEWEL, L.L.C., et al.

Plaintiffs,

v. Adv. Proceeding 3:20-ap-03007

UNITED BANK,

Defendant.

* * * * *

30(b)(6) deposition of Blackjewel, LLC as
given by DREW KESLER taken by the Defendant under
the Federal Bankruptcy Rules in the above-entitled
action, pursuant to notice, before Teresa S. Evans,
a Registered Merit Reporter, at Steptoe & Johnson,
1700 Chase Tower, Charleston, West Virginia, on the
15th day of September, 2021.

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1 A. Correct.

2 Q. When did she leave her position?

3 A. 2016. I don't know the date.

4 Q. And what were her responsibilities as far
5 as you know?

6 A. I can't speak to all of Lisa's
7 responsibilities.

8 Q. Did you get extra responsibilities when you
9 became CFO in 2017?

10 A. I became CFO in 2017 almost at the same
11 time that we acquired the western operations, so my
12 responsibilities increased and evolved as a result
13 of that, in addition to CFO.

14 Q. I understand. I'm just trying to -- was
15 there a difference in -- other than you had the
16 west coast operations, were there additional
17 responsibilities, duties that you had as CFO, that
18 you didn't have as controller?

19 A. I'm not aware right off of a difference.

20 Q. Okay. What were your responsibilities as
21 CFO of Blackjewel and Revelation?

22 A. The company had no set responsibilities.
23 There was no code of conduct; there was no job
24 description. My primary function was to oversee

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1 the accounting team, HR team, accounts payable
2 team, coal production team, a third-party IT team
3 and roll up the financial reporting to Jeff Hoops,
4 prepare a schedule of cash for Jeff Hoops to review
5 and approve payments.

6 Q. How often did you have to do that?

7 A. Do which part?

8 Q. The preparing the documents for Jeff Hoops.
9 I mean, you can walk me through that. How often
10 would you have to do each one of those?

11 A. Financial statements were typically on a
12 monthly basis. Cash schedule meetings were done
13 weekly.

14 Q. Okay. So that was your responsibility to
15 prepare those and get those to Mr. Hoops?

16 A. Primarily, yes.

17 Q. And Mr. Hoops is the CEO that entire time?

18 A. Correct.

19 Q. Have you ever been sued before?

20 A. Yes.

21 Q. How many times?

22 A. A handful. I don't know the exact number.

23 Q. What have you been sued for?

24 A. Failure to post a wage bond in three

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1 Q. I mean, obviously the bank document says
2 what it says, correct?

3 A. Correct.

4 Q. So if it said that you had the authority to
5 engage in business on behalf of Blackjewel with
6 respect to United accounts, that says what it says.

7 A. That's not the way the bank account worked.
8 It required two approvals.

9 Q. Okay. But that would be in the account
10 agreement, correct?

11 A. I do not know.

12 Q. You don't know?

13 A. I don't know where that was listed, but in
14 application, it required two approvals.

15 Q. I'm guessing -- can you tell me where I
16 could find that requirement?

17 A. No.

18 Q. At the time that Blackjewel filed
19 bankruptcy on July 1st, 2019, who were the officers
20 of Blackjewel?

21 A. Jeff Hoops, Chris Sloan --

22 Q. Hold on a second. Jeff Hoops is what?

23 A. President and CEO.

24 Q. Okay. And you said Chris who?